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1600 SHATTUCK ASSOCIATES, L.P.
(erroneously sued as 1600 Shattuck Associates,
a General Partnership)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALES,

Plaintiff,

v.

PHILZ COFFEE, INC.; 1600 SHATTUCK
ASSOCIATES, a General Partnership,

Defendants.

1600 SHATTUCK ASSOCIATES, L.P.,

Cross-Claimant,

v.

PHILZ COFFEE, INC.,

Cross-Defendant.

Case No. 4:16-cv-07102-HSG

**STIPULATION AND ORDER TO (1)
SHORTEN BRIEFING SCHEDULE ON
CROSS-DEFENDANT PHILZ COFFEE,
INC.'S MOTION FOR JUDGMENT ON
THE PLEADINGS AND (2) ALLOW
PLAINTIFF TO FILE FIRST
AMENDED COMPLAINT**

Complaint Filed: December 13, 2016
Cross-Claim Filed: October 20, 2017
Trial Date: None Set

1 Plaintiff Francisca Morales (“Plaintiff”), Defendant and Cross-Claimant 1600 Shattuck
2 Associates, L.P. (“1600 Shattuck”), and Cross-Defendant Philz Coffee, Inc. (“Philz”), by and
3 through their respective attorneys of record, hereby stipulate as follows:

4 1. Pursuant to the Court’s November 8, 2017 Minute Order (ECF No. 60) requiring
5 the parties to meet and confer regarding a briefing schedule for Philz’s Motion for Judgment on
6 the Pleadings (“Motion”), Counsel for the parties met and conferred on November 14, 2017.
7 Philz and 1600 Shattuck have agreed to attempt to resolve the October 20, 2017 Cross-Claim
8 filed by 1600 Shattuck against Philz (ECF No. 50) and to have a further meet and confer on
9 November 17, 2017 to attempt to avoid the need for the Motion. If it is necessary for Philz to file
10 its Motion, the parties agree to the following briefing schedule for the Motion set for hearing on
11 December 15, 2017.

- 12 • **Deadline to file Motion:** November 27, 2017
- 13 • **Deadline to file Opposition to Motion:** December 7, 2017
- 14 • **Deadline to file Reply to Motion:** December 11, 2017

15
16 If Philz determines that it will not file the Motion, it will contact the clerk of the Court and the
17 parties so that the December 15, 2017 hearing date can be taken off calendar.

18 2. Also pursuant to the Court’s November 8, 2017 Minute Order (ECF No. 60)
19 requiring the parties to meet and confer regarding Plaintiff’s Motion for Leave to File First
20 Amended Complaint (ECF No. 57), the parties stipulate to Plaintiff filing the proposed amended
21 complaint, attached hereto as **Exhibit A**. Based upon Philz’s understanding and agreement that it
22 has been satisfactorily dismissed from the action with prejudice by the Court, Plaintiff has agreed
23 to remove Philz as a defendant from her action. Plaintiff further stipulates that in her proposed
24 first amended complaint, the claims for equitable relief and damages she pursues against 1600
25 Shattuck are only those that were not resolved by the settlement agreement between Plaintiff and
26 Philz. Plaintiff will file her First Amended Complaint within five days of the date the Court
27 issues its Order on this Stipulation, and 1600 Shattuck’s response thereto shall be filed within
28 fourteen (14) days after the First Amended Complaint is filed.

3. Upon the Court's issuance of the Order on this Stipulation, Plaintiff's motion to amend her complaint set for January 4, 2018 shall be vacated as moot.

IT IS SO STIPULATED.

Dated: November 15, 2017

MISSION LAW FIRM, A.P.C.

By: s/Zachary M. Best
Zachary M. Best
Attorneys for Plaintiff
FRANCISCA MORALES

Dated: November 15, 2017

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Attorneys for Defendant and Cross-Claimant
1600 SHATTUCK ASSOCIATES, L.P.
(erroneously sued as 1600 Shattuck
Associates, a General Partnership)

Dated: November 15, 2017

JACKSON LEWIS P.C.

By: s/Jamerson C. Allen
Jamerson C. Allen
Janelle J. Sahouria
Attorneys for Cross-Defendant
PHILZ COFFEE, INC.

ORDER

The Parties having so stipulated and good cause appearing, it is hereby ORDERED as follows:

1. The briefing schedule for Cross-Defendant Philz, Inc.'s Motion for Judgment on the Pleadings ("Motion") set for hearing on December 15, 2017 is as follows:

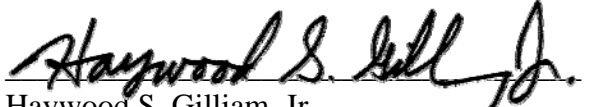
- **Deadline to file Motion:** November 27, 2017
- **Deadline to file Opposition to Motion:** December 7, 2017
- **Deadline to file Reply to Motion:** December 11, 2017

1 2. Plaintiff shall file her First Amended Complaint, a copy of which was filed with
2 the Parties' stipulation as Exhibit A, within five days of the date this Order is issued. Defendant
3 1600 Shattuck Associates, a General Partnership's response thereto shall be filed within fourteen
4 (14) days after the First Amended Complaint is filed.

5 3. Plaintiff's motion to amend her complaint set for January 4, 2018 is hereby
6 VACATED as moot.

7 **IT IS SO ORDERED.**

8
9 Dated: November 16, 2017


Haywood S. Gilliam, Jr.
United States District Judge